

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

KERMIT C. FRENCH,

Plaintiff,

v.

CIVIL ACTION NO. 1:19-00083

ANDREW M. SAUL,
Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b) (1) (B). Magistrate Judge Eifert submitted to the court her Findings and Recommendation on December 16, 2019, in which she recommended that plaintiff's request for judgment on the pleadings be denied; the Commissioner's request for judgment on the pleadings be granted; the Commissioner's decision be affirmed; and that this case be dismissed and removed from the court's active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days and three mailing days in which to file any objections to Magistrate Judge Eifert's Findings and Recommendation. The failure of any party to file

such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Objections to the Proposed Findings and Recommendation were due by January 2, 2020. Neither party filed any objections to the Magistrate Judge's Findings and Recommendation within the requisite time period.

Accordingly, the court adopts the Findings and Recommendation of Magistrate Judge Eifert as follows:

1. Plaintiff's request for judgment on the pleadings is **DENIED**;
2. The Commissioner's request for judgment on the pleadings is **GRANTED**;
3. The Commissioner's decision is **AFFIRMED**;
4. This action is **DISMISSED**; and
5. This case is to be removed from the court's active docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

IT IS SO ORDERED this 13th day of January, 2020.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge